

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TYLER TULL,

Plaintiff,

v.

KENNETH WECKMAN, et al.,

Defendants.

No. 2:24-cv-1729-SCR

ORDER

Plaintiff initiated this action on June 18, 2024. It was referred to the undersigned by operation of the Eastern District Local Rules, Appendix A. Pursuant to Appendix A, subsection (m)(1), the parties are to return the form entitled Consent to Assignment or Request for Reassignment within 90 days from the date the action was filed. The parties have not yet returned the forms.

Before the court is Defendant Kenneth Weckman's Motion for Extension of Time (ECF No. 6) seeking a 35-day extension of time to respond to the complaint. The Motion recounts that Weckman sought a 28-day stipulation of extension of time from Plaintiff's counsel, but that counsel would only stipulate to a 10-day extension. ECF No. 6 at 2. Weckman states that he was served on September 18, 2024, and that a response was due October 9, 2024. Defense counsel states that she requires additional time to review materials and to consult with her client. The Court finds good cause for an extension, but not for the duration of 35-days. Federal Rule of

Civil Procedure 12(a)(1)(A)(i) generally provides for 21 days after being served to file an answer. Defendant Weckman has already had 21 days to respond, and an additional 21 days should be sufficient time for counsel to prepare a response.

As this matter proceeds, counsel are encouraged to work cooperatively in the spirit of the purpose of the Federal Rules – “to secure the just, speedy, and inexpensive determination of every action and proceeding.” Fed. R. Civ. P. 1; *see also Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1263 (9th Cir. 2010) (“Where, as here, there is no indication of bad faith, prejudice, or undue delay, attorneys should not oppose reasonable requests for extensions of time brought by their adversaries.”).

For good cause shown, IT IS HEREBY ORDERED that:

1. Defendant Weckman’s Motion for Extension of Time (ECF No. 6) is GRANTED IN PART. Defendant Weckman shall file and serve his response to Plaintiff’s complaint on or before **October 31, 2024**.
2. Pursuant to Local Rule Appendix A, subsection (m)(2), within 14 days of the date of this Order, the parties shall complete and file the form entitled Consent to Assignment or Request for Reassignment.

DATED: October 10, 2024.


SEAN C. RIORDAN
UNITED STATES MAGISTRATE JUDGE